

H.3442		
Sponsor: Bingham, Battle, Merrill, Neal, Rice, Ott, M.A. Pitts, Young, Cobb-Hunter, Sandifer	Introduced: 3/4/2009	Referred: Judiciary; recalled to floor 02/04/10

SYNOPSIS OF BILL AS AND IF AMENDED

- Divests the Commissioners of executive and administrative authority immediately and changes the ESC to a cabinet agency called the Department of Workforce
- Creates a screening and oversight committee called Department of Workforce Review Committee, comprised of 6 Members of the General Assembly and 3 members of the public at large
- A Director, nominated by the Department of Workforce Review Committee and appointed by the Governor would head the new agency and be subject to annual performance reviews by the General Assembly through the Office of Workforce Review Committee.
- Requires that the current Commissioners to sit as an appeals panel whose decisions are subject to review by the Administrative Law Court
- The Appellate Panel will be phased out by the end of 2010, and appeals of Department of Workforce unemployment compensation determinations will go to the Administrative Law Court starting January 1, 2011.
- Gives the governor power to terminate the new Director and/or Appeals Panel for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity
- Moves the Workforce Investment Act program from the Department of Commerce to the Department of Workforce. Moves the South Carolina Occupational Information System from the ESC to the Department of Education.
- Reduces benefits paid to persons receiving severance pay by the amount of severance pay received
- Prevents payments of benefits to former temp agency workers if they ignore or reject an assignment to work by the temp agency
- Restricts payouts to employees fired for gross misconduct such as neglect of duty, poor work quality or attitude, and unexcused absenteeism or tardiness without a medical excuse.
- Prohibits payouts to employees fired for major misconduct such as fighting, theft, insubordination, sleeping on the job, and illegal drug use
- Eliminates employer filed claims by employers with a negative reserve balance.